Ordú Boird
Board Order
ABP-302899-18.

Na hAchtanna um Pleanáil agus Forbairt 2000 go 2018

Planning and Development Acts 2000 to 2018

Údarás Pleanála: Comhairle Contae Dhún na nGall

Uimhir Thagartha i gClár Pleanála: 18/51245

Planning Authority: Donegal County Council

Planning Register Reference Number: 18/51245

Uimhir Thagartha an Bhoird Phleanála: ABP-302899-18

An Bord Pleanála Reference Number: ABP-302899-18

Achomharc ó Ailbhe Ó'Monacháin as an Ard Donn, Gaoth Dobhair, Co. Dhún na nGall i gcoinne cinneadh a rinne Comhairle Contae Dhún na nGall ar an 4ú Deireadh Fómhair 2018 cead imlíneach a dhiúltú d'Ailbhe Ó'Monachain thuasluaite.

Appeal by Ailbhe Ó'Monacháin of Arduns, Gweedore, Letterkenny, County Donegal against the decision made on the 4th day of October, 2018 by Donegal County Council to refuse outline permission to the said Ailbhe Ó'Monachain.

Proposed Development:

An Fhorbairt Bheartaithe:
Teach cónaithe, garáiste agus lánchóras cóireála le haonad scag-ghlanta ithreach a thógáil agus bealach rochtana an iarratais a cheangal den bhealach rochtana atá ann faoi láthair ón N56.
An tArd Donn, Gaoth Dobhair, Co. Dhún na nGall.

The construction of a residential house, garage and full water treatment system and the linking of the access route of the application site to the existing access route from the N56.
Arduns, Gweedore, Letterkenny, County Donegal.

An Cinneadh

Cead imlíneach a DHIÚLTÚ don fhorbairt bheartaithe thuasluaite de réir na gcúiseanna agus na tuisceana a leagtar amach thíos.

Decision

REFUSE outline permission for the above proposed development in accordance with the reasons and considerations set out below.

Na hÁbhair Curtha san Áireamh

Ag déanamh a chinnidh, thug an Bord aird ar na nithe áirithe atá dualgas air, de bhua na n-Achtanna um Pleanáil agus Forbairt agus na Rialachán arna ndéanamh fúthu, aird a thabhairt dóibh. San áireamh bhí aon aighneacht agus tuairim a fuair an Bord faoi réir forálacha reachtúla.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Cúiseanna agus Tuisceana

1. Ta sé mar riachtanas ag an údarás pleanála, mar a leagtar amach i bPlean Forbartha Chontae Dhún na nGall 2018 – 2024, go mbeidh eagar na mbealaí isteach de réir na gcaighdeán a leagtar amach in Aguisín 3 de Chuid B den Phlean Forbartha. Ag féachaint don fheidhm breise a bhaintear as bealach rochtana atá ann in eagar a roinntear agus don suíomh den bhealach isteach/amach beartaithe d'fheithiclí a bheidh in úsáid ag an teach mar rochtain faoi bhun caighdeáin ar an mbóthar náisiúnta, meastar, agus na línte amhairc ó thuaidh thoir atá teoranta san áireamh, áit a gcuirfeadh gluaiseachtaí casta an tráchta a bheadh mar thoradh ar an bhforbairt isteach ar sábháilteacht agus gluais an tráchta ar an mbóthar poiblí, chuirfeadh an fhorbairt bheartaithe sábháilteacht an phobail i mbaol trí chontúirt tráchta agus bheadh sí contrártha don bheartas a

Reasons and Considerations

1. It is a requirement of the planning authority, as set out in the Donegal County Development Plan 2018-2024, that entrance arrangements be in accordance with the standards set out in Appendix 3 to Part B of the Development Plan. Having regard to the additional use of an existing access in a shared arrangement and the location of the proposed vehicular entrance/egress to serve the house at an existing substandard access onto the national road, it is considered that, given the restricted sightlines to the northeast, where traffic turning movements generated by the development would interfere with the safety and free flow of traffic along the public road, the proposed development would endanger public safety by reason of traffic hazard and would be contrary to policy outlined in Section 2.5 of the "Spatial Planning and National Roads Guidelines for Planning Authorities" issued by the Department of the

leagtar amach i gCuid 2.5 de "Na Treoirlínte maidir le Pleanáil Spásúlachta agus Bóithre Náisiúnta" a d'eisigh an Roinn Comhshaoil, Pobail agus Rialtais Áitiúil i mí Eanáir 2012, agus rud atá mar aidhm ag na treoirlínte ná giniúint tráchta níos mó ó bhealaí rochtana atá ann go bóithre náisiúnta a sheachaint in áiteanna atá teorainneacha luas de níos mó ná 60km/u i bhfeidhm. Bheadh an fhorbairt bheartaithe contrártha do phleanáil chuí agus forbairt inbhuanaithe an cheantair, mar sin.

Environment, Community and Local Government in January, 2012, which aims to avoid the generation of increased traffic from existing accesses to national roads where speed limits of greater than 60 km/h apply. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Ag féachaint do bhail an talaimh, na hithreach agus na fo-ithreach a scrúdaíodh ar an láithreán agus don chlúdach móna éadomhain atá ar ghaineamh balctha, gairbhéal agus sioltaí agus ar an gcuid mhór de linnte uisce atá follasach ar an láithreán, níl an Bord sásta go bhfuil an láithreán oiriúnach do chóireáil agus do dhiúscairt eisiltigh tí

2. Having regard to the ground, soil and subsoil conditions observed on the site with shallow peat cover over compacted sands, gravels and silts and extensive water ponding evident on site, the Board is not satisfied that the site is suitable for the treatment and disposal of domestic foul effluent in accordance with the Code of Practice - Wastewater

bhréan de réir an Chóid Chleachtais – Córais Chóireáil agus Diúscairt Fuíolluisce a Fhreastalaíonn ar Thithe Aonair (p.e. ≤ 10)" - an Ghníomhaireacht um Chaomhnú Comhshaoil, 2009 agus soiléiriú ina dhiaidh sin a d’eisigh an Ghníomhaireacht um Chaomhnú Comhshaoil. Bheadh an fhorbairt bheartaithe dochrach do shláinte an phobail, mar sin.

Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009 and subsequent clarifications issued by the Environmental Protection Agency. The proposed development would, therefore, be prejudicial to public health.

3. Ar bhonn aighneachtaí a cuireadh isteach maidir leis an iarratas pleanála agus leis an achomharc agus gan Riteas Tionchair Timpeallachta a bheith ann, ní féidir leis an mBord a bheith sásta nach mbeadh tionchar suntasach ag an bhforbairt bheartaithe amháin nó in éineacht le pleananna nó tionscadail eile, ar an limistéar faoi chaomhnú speisialta de Phortach Fhána Bhuí/Loch na Cuinge (Cód Láithreáin: 000140) nó ar aon láithreán Eorpach eile, ag féachaint do chuspóirí

3. On the basis of the submissions made in connection with the planning application and the appeal and in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development, individually, or in combination with other plans or projects, would not be likely to have a significant effect on Fawnboy Bog/Lough Nacung special area of conservation (Site Code: 000140), or any other European site, in view of the site’s conservation objectives. In such circumstances, the Board

caomhantais an láithreáin. Sna himthosca sin, coisctear ar an mBord cead a dheonaigh.	is precluded from granting permission.

Ball den Bhord Pleanála a bhfuil Údarás aige íordheimhniú	**Member of An Bord Pleanála duly authorised to authenticate the seal of the Board.**

Dátaithe ar an	**lá seo de**	**2019**
Dated this	**day of**	**2019**